

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	TAN et al.
App. No.	:	10/821,679
Filed	:	April 8, 2004
For	:	Annatto Extract Compositions, Including Geranyl Geraniols And Methods Of Use
Examiner	:	Meller, Michael
Group Art Unit	:	1655

REQUEST FOR RECONSIDERATION OF OFFICE ACTION FINALITY**Mail Stop**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request the Examiner to reconsider the finality of the current Office Action. The Rejection appears to be made Final in error.

The Examiner has stated "Applicant's amendment necessitated the new grounds of rejection presented in this Office action" as his reason for making the Rejection Final. However, the only amendments to the sole independent claim under examination was to clarify that the "composition" was a "medicament" and it was "ingestible".

The First Office Action cited only Prior Art disclosing cosmetics, which were not part of the disclosed invention. A reading of the full set of claims, which contained "methods of use" and "composition" claims, shows that the disclosed invention is a product to relieve medical conditions. The "method of use" claims were to the application of this product and the "composition" claims were to the product used in the methods.

The Applicants appreciate that the Examiner is required to give the claims their widest scope, so even though cosmetics were not part of the disclosed invention, cosmetics could have

read on the claims. Therefore, the claims were amended to clarify that the composition was ingestible and the preamble was amended to clarify it was a medicament.

Additionally, the Applicants expected the Examiner to reject each claim on all available valid grounds and the rejections would be based on Prior Art that disclosed the "heart" of the invention. MPEP 707.07(g) states that "Piecemeal Examination should be avoided as much as possible. The examiner ordinarily should reject each claim on all valid grounds available".

The Applicant's amended claims defeated all the Prior Art references cited by the Examiner, so the application should be in condition for allowance. Now the Examiner has cited new Prior Art and thus, the Office Action should be a Non-Final Rejection to allow applicants an opportunity to amend the claims or argue against the cited Prior Art.

Applicants respectfully request the Examiner's reconsideration of the Finality of the current Office Action and make it a Non-Final Rejection as is appropriate for this stage of prosecution.

Date: April 28, 2006

/KOH/

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